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WEDNESDAY, NOVEMBER 1, 1905.

DEMOCRATIC TICKET

To be Voted at the Election on Tues-

day, November 7, 1905.

For Governor:

CLAUDE A. SWANSON.

For Lieutenant-Governor:

J. TAYLOR ELLYSON.

For Attorney-General:

WILLIAM A. ANDERSON.

For State Superintendent Public

Instruction:

J. D. EGLESTON, JR.

For Secretary of the Commonwealth:

J. D. EGLESTON.

For State Treasurer:

A. W. HARMAN, JR.

For Commissioner of Agriculture:

G. W. KOINER.

Man is in the hands of nature, but

the will of man is in his own hands.

SCHILLER.

A Message to Temperance Dem-

ocrats.

We are surprised to learn that certain

temperance voters throughout the State,

who took part in the Democratic pri-

maries, are now saying that they are

under no obligation to vote for Mr. Swan-

son, because it was freely stated in some

of the newspapers and otherwise during

the campaign that if Judge Mann should

be nominated many Democrats would

refuse to vote for him in the regular

election.

Let it be clearly understood at the out-

set that the Democratic organization was

in no way responsible for any such state-

ment made during the campaign. Judge

Mann was nominated as the primary as a

Democrat upon all fours with the other

candidates, and he was treated with

like consideration by the party managers.

Moreover, it is well known that men in

the heat of a political campaign fre-

quently make rash assertions as to what

they will do or will not do on election

day, but after the campaign is over their

views are materially modified, and, as a

rule, Virginia Democrats, in spite of any

assertion to the contrary, have usually

gone to the polls on election day and

voted the State Democratic ticket. If

Judge Mann had been nominated, we

have no doubt whatsoever that Demo-

crats generally would have voted for him,

and that he would have been elected.

But whether so or not, is one man re-

leased from his obligation because an-

other man declared that he would not

discharge his obligation? Surely advocates

of temperance in Virginia cannot

afford to take such a position, and surely

they will not. They advocate temperance

as a moral question. They have appealed

to the voters of Virginia in behalf of

good morals. It cannot be, therefore,

that they will disregard the moral obli-

gation voluntarily assumed by them to

support the nominees of a primary elec-

tion in which they took an active part.

Judge Mann accepted his defeat grace-

fully, and feels that he is under obli-

gation not only to vote the Democratic

ticket, but to work for its success; and

he has been doing and is still doing splen-

did service on the stump and otherwise

in that direction. He is telling his friends

and supporters face to face that they

are as much under obligation as he is to

vote for Mr. Swanson and the other

Democratic nominees, and he is telling

them, moreover, that their only hope of

promoting the cause which they repre-

sent is through the continuation of Dem-

ocratic rule in Virginia. All the tem-

perance reforms which have come

through Democratic legislation, and

there is certainly no promise of other

reforms of this character in the Republi-

can platform. We understand that some

of the Republicans in convention were

heavily in favor of committing their

party to a repeal of the Mann law, but

finally compromised on the local option

plan, which the Democratic party adopt-

ed twenty years ago.

We commend Judge Mann's example,

his sound advice to the temperance

voters of Virginia. It is clearly in the

interest of temperance, as well as of

good government, that the Democratic

nominees should be elected, and all tem-

perance men who took part in the State

primary are clearly under moral obli-

gation to vote the Democratic ticket. It

would be hard for the temperance people

generally to pursue any course better cal-

culated to injure their cause than for

them to decline to vote the Democratic

ticket after having pledged themselves

in the primary to do so.

The Russian Democracy.

Most of the czar's subjects have taken

him at his word, have accepted in faith

his promise of popular government, the

strikes have returned to work, and the

crisis seems to have been safely passed.

Some are still skeptical, and the Social

Democrats are urging their followers "not

to be tricked by the government, but to

keep up the fight." We can see no

ground for this suspicion, and we think

that the people have acted wisely. They

made a great demonstration. They

showed the czar that the real power of

the empire rested in them and not in

him. They showed him that "autocracy"

was but a name, and that he ruled not

by "divine right of kings," but by con-

sent of the people. They showed him that

they could stop the entire machinery of

the empire whenever they chose to do so,

and that without their cooperation the

government could do nothing. They

showed him that even the imperial sol-

diers were men like themselves, and that

they could not be relied upon unless they

were in sympathy with the czar. In

short, they showed him that the people

and not the czar were the empire.

Having made this demonstration, they

served notice on Nicholas II. that they

were tired of trifling, and that he must

accede to their demands, or take the con-

sequences. At last the czar saw that

further dallying was useless—nay, that

it was reckless—and he surrendered upon

the best terms he could get. We believe

that he means what he says and that he

will keep his promise in the spirit as well

as in the letter of it.

If he is sensible he will do so, for if

he be false, there will be another dem-

onstration more revolutionary than the last,

and if the people are again aroused, and

especially by reason of the czar's per-

jury, they will not content themselves

with a mere demonstration of their

strength. They will put their force into

action, and all the pretty promises which

the czar may then make will not save

him and his empire from destruction.

The Democracy of Russia is aroused and

is asserting itself. It knows its strength,

and will use it. We believe that Russian

autocracy is at an end. We believe that

the day of popular government has come

at last.

A Lawyer's Poor Logic.

Editor of The Times-Dispatch:

Sir,—In the leading editorial of your

issue of October 28th, you use the follow-

ing language:

"There can be no doubt as to Judge

Lewis's attitude a year or so later at least

towards the legal aspect of this subject.

In 1878, Edmund Kennedy, a negro, residing

in Hanover county, was married in Wash-

ington city to a white woman, also from

Hanover. He and the woman returned

to that county to live. In March, 1879,

they were indicted, convicted and each

sentenced to five years' imprisonment in

the penitentiary. On May 13, 1879, applica-

tion for a writ of habeas corpus was

made by the negro to the United States

District Court, Judge Robert W. Hughes

presiding. Judge Lewis, then United

States attorney, appeared for the peti-

tioner and argued that the Act of Assem-

bly making such marriage a felony was

unconstitutional and void; that marriage

was a civil contract, and that under the

'civil rights' law, negroes had full power

to contract with white persons as well

as with members of their own race; he

also stated that Massachusetts had long

since repealed her prohibitory law on

this subject. Attorney-General Field

appeared in this case on behalf of Vir-

ginia. The above report of the trial is

taken from the Richmond Dispatch of

May 14, 1879.

Judge Lewis made this argument as an

attorney, but it is fair to presume that

he was sincere in all his contentions, and

the incident indicates his state of mind

at that time.

To follow this argument to its logical

conclusion, it would seem that you would

have an equal right to charge

an attorney with being in favor

of the commission of any crime of which

he is accused in on trial, or for which

there had been a conviction, if he at-

tacked the constitutionality of the law

under which the proceedings were held.

For information, I would like you to say,

do you think that Mr. H. M. Smith, Jr.,

is personally in favor of fraud in Dem-

ocratic primaries because he attacked the

constitutionality of the law under which

indictments were recently found against

certain Democratic election officials for

fraud committed in the Democratic pri-

mary held in this city last June?

LAWYER.

Answering the last question first, we

do not conclude that Mr. H. M. Smith,

Jr., is personally in favor of fraud in

Democratic primaries because he attacked

the constitutionality of the law under

which indictments were recently found

against certain Democratic election offi-

cials committed in the Democratic pri-

mary held in this city last June, but we

do conclude that Mr. Smith was sincere

in his contention that the law was un-

constitutional.

By the same token we do not conclude

that Judge Lewis was in favor of mixed

marriages because he appeared in court

as attorney for a negro who was con-

victed under the act prohibiting mixed

marriages, but we do conclude that Judge

Lewis was sincere in his contention that

the act was unconstitutional, and that

is the only logical inference that can be

drawn from an extract from the Times-

Dispatch which our correspondent quotes.

We were speaking, as the context shows,

of Judge Lewis's attitude "toward the

LEGAL aspect of the subject." That is

to say, that he was of opinion as a

lawyer that this act was unconstitutional.

Judge Lewis himself has made no

denial that he entertained such an

opinion at the time, either in court or

out of court. On the contrary, he has ad-

mitted that in the discussion at Ches-

terfield Courthouse with General Hundley,

he said that in his view the act was of

doubtful constitutionality.

Our correspondent's deductions, there-

fore, are illogical. As we said in the

Sunday paper, The Times-Dispatch has

never criticized or condemned any lawyer

for defending a client, no matter what the

crime charged might be.

The Negro and the Public

Schools.

The Petersburg Index-Appeal says:

"We are thoroughly disgusted and sick-

ened at the selfish and narrow view

which pervades the discussion of edu-

cation at the public expense, and which

would deny the negro educational advan-

tages because he is poor and does not

pay as much taxes as his white brother.

Let us have no more talk about

dividing the school fund on racial lines

according to the amount of taxes paid

by each race. If the ignorant and vicious

negro is a menace to the community, as

he undoubtedly is, then the sooner we

educate his mind and improve his morals

the sooner we remove that menace."

We agree with our contemporary in de-

ploring any talk about dividing the school

fund on racial lines. The Times-Dispatch

has always opposed such a movement,

but we have not noticed the "narrow

spirit" which our contemporary says "per-

vades the discussion of education at the

public expense, and which would deny

the negro educational advantages because

he is poor." The people of Virginia have